

**AN ORDINANCE  
BY COUNCILMEMBER ANNE FAUVER**

**AN ORDINANCE TO PROVIDE FOR THE  
ANNEXATION OF 1190 SPRING VALLEY WAY,  
ATLANTA, GEORGIA, 30306, .22 ACRES OF LAND  
LOCATED IN LAND LOT 55 OF THE 18<sup>TH</sup> DISTRICT  
OF DEKALB COUNTY TO THE CORPORATE LIMITS  
OF THE CITY OF ATLANTA, GEORGIA; TO PROVIDE  
FOR THE NOTIFICATION OF THE DEPARTMENT  
OF COMMUNITY AFFAIRS OF THE STATE OF  
GEORGIA OF SUCH ANNEXATION; AND FOR  
OTHER PURPOSES**

**WHEREAS**, the owner of real property (the "Applicant") has applied to the City of Atlanta for annexation ("the Application") of certain property identified as 1190 Spring Valley Way, as more fully described and delineated in Exhibits "A", "B" and "C" attached hereto (the "Property"); and

**WHEREAS**, the City of Atlanta has determined that the Property is contiguous to the existing corporate limits of the City of Atlanta in excess of the minimum amount required for such annexations under O.C.G.A. § 36-36-1 *et seq.*; and

**WHEREAS**, the City of Atlanta has determined that the Applicant is the title holder of record of 100% of the privately owned land within the Property, as evidenced by the Clerk of the Superior Court of DeKalb County, Georgia; and

**WHEREAS**, the zoning classification approved by the City of Atlanta for the property which is the subject of the proposed annexation shall become effective on the later date of the date of the zoning is approved by the City of Atlanta on the date that the annexation becomes effective as required by O.C.G.A. § 36-36-2; and

**WHEREAS**, the City of Atlanta has lawfully provided notice to DeKalb County, Georgia of all required information including notice of the City of Atlanta's receipt of the Application for annexation of the property; and

**WHEREAS**, all issues between the City of Atlanta and DeKalb County regarding the annexation have been resolved prior to the adoption of this ordinance; and

**WHEREAS**, THE City of Atlanta has complied with all other applicable laws, ordinances and agreements with respect to the processing of the application; and

**WHEREAS**, the City of Atlanta has authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property into the corporate limits of the City of Atlanta, and that the Mayor and Council of the City of Atlanta have determined that the annexation of the property would be in the best interest of the residents and property owners of the area to be annexed and of the citizens of the City of Atlanta; and

**WHEREAS**, any proposed annexation must be approved by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965; and

**WHEREAS**, the City of Atlanta has determined that the application meets the requirements of law pursuant to O.C.G.A. § 36-36-1 et seq.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

- Section 1. The Property is hereby annexed to the existing corporate limits of the City Of Atlanta, Georgia, pending approval by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 2. There is hereby filed, as part of this Ordinance and identified as Exhibits "A", "B" and "C" a complete survey and legal description of the annexed land.
- Section 3. The Municipal Clerk is hereby authorized and directed to submit to the United States Department of Justice all necessary documentation required for the Department's review and approval of the annexation pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 4. The Municipal Clerk is hereby authorized and directed to file a report identifying property annexed with the Department of Community Affairs of the State of Georgia and with the governing authority of DeKalb County as required by O.C.G.A. § 36-36-3, and to take all other actions required by law with regard to the adoption of this ordinance and the annexation of the Property.
- Section 5. The Ordinance shall become effective immediately for school enrollment purposes and for all other purposes in accordance with applicable provisions of Georgia law, contingent upon approval of the annexation by the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965.
- Section 6. All Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are hereby repealed; but it is hereby provided that any Ordinance or law, which may be applicable hereto and aid in carrying out the intent, purpose and provisions hereof, shall be liberally construed to be in favor of the City of Atlanta and is hereby adopted as a part hereof.

# McConnell Homes, Inc.

Post Mark Date March 23, 2006  
By \_\_\_\_\_

964 Adair N.E., Atlanta, Georgia 30306

March 23, 2006

Rhonda Dolphin Johnson  
Municipal Clerk  
City of Atlanta  
55 Trinity St SW  
Atlanta, Ga. 30338

MAR 27 2006

Re: Incorporation of the property located at 1190 Spring Valley Way, Atlanta, Ga. 30306 into the City of Atlanta

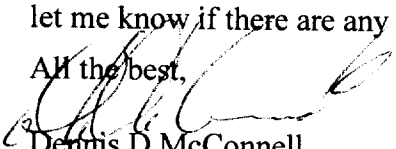
Dear Ms. Johnson,

McConnell Homes, Inc. as the property owner of 1190 Spring Valley Way Atlanta, Ga. 30306, would like to petition the City of Atlanta to annex this property into the City of Atlanta.

Attached is a copy of the Warranty deed from Ed Sabitino to McConnell Homes, Inc., a copy of the Dekalb Tax plat, a copy of the adjacent Fulton County tax plat and a copy of the property survey. The area of the lot is 9585 SF which is .22 acres. The use will remain the same as its current land use - single family home.

Having never petitioned for annexation before, I am not sure of what the process should be. Please let me know if there are any other documents that need to be executed.

All the best,

  
Dennis D McConnell  
President

<http://www.mcconnellhomes.com/>

Builder of the **2006 Southern Building Showshow house**

Recipient of the **2005 Atlanta Regional Commission's "Exceptional Merit Award for Context Sensitive Neighborhood Infill Design"**

2004 Winner of the **Earthcraft Homes "Custom Home Builder of the Year"** Award

AFTER RECORDING RETURN TO:  
 FRYER, HARRIS, INGRAM & BARRETT, P.C.  
 70 LENOX POINTE  
 ATLANTA, GEORGIA 30324  
 File No. 2004-2584

*Linda Carter*  
 Linda Carter  
 Clerk of Superior Court DeKalb Cty. Ga.  
 I solemnly swear that I am the Clerk of Superior Court for DeKalb County, Georgia.

## WARRANTY DEED

STATE OF GEORGIA  
 COUNTY OF DEKALB

THIS INDENTURE made this 25th day of May, 2004 between EDWARD C. SABATINO, JR. of the County of DEKALB, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and MCCONNELL HOMES, INC., as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH THAT: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) DOLLARS and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 55, OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA, BEING PART OF LOT 16, BLOCK A, ROCK SPRINGS ESTATES SUBDIVISION; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND ON THE NORTHEASTERN RIGHT OF WAY OF SPRING VALLEY DRIVE 1017.70 FEET SOUTHEASTERLY FROM THE INTERSECTION FORMED BY THE NORTHEASTERN RIGHT OF WAY OF SPRING VALLEY DRIVE AND THE SOUTHEASTERN RIGHT OF WAY OF NORTH HIGHLAND AVENUE; RUNNING THENCE NORTH 23 DEGREES 34 MINUTES 58 SECONDS EAST 157.37 FEET TO 3/4" OPEN TOP FOUND; RUNNING THENCE SOUTH 80 DEGREES 39 MINUTES 46 SECONDS EAST 55.45 FEET TO A 3/4" OPEN TOP FOUND; RUNNING THENCE SOUTH 21 DEGREES 28 MINUTES 21 SECONDS WEST 174.37 FEET TO A 1/2" OPEN TOP FOUND ON THE NORTHEASTERN RIGHT OF WAY OF SPRING VALLEY DRIVE; RUNNING THENCE ALONG THE NORTHEASTERN RIGHT OF WAY OF SPRING VALLEY DRIVE A CHORD BEARING OF NORTH 63 DEGREES 20 MINUTES 24 SECONDS WEST, HAVING A RADIUS OF 1958.42', HAVING A ARC DISTANCE OF 60.25 FEET TO A 1/2" REBAR FOUND AND THE POINT OF BEGINNING; ALL ACCORDING TO PLAT OR SURVEY PREPARED BY GEORGIA LAND SURVEYING CO., INC., DATED September 29, 2003; BEING KNOWN AS 1190 SPRING VALLEY DRIVE, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN DEKALB COUNTY, GEORGIA.

BEING THE SAME PROPERTY CONVEYED BY LIMITED WARRANTY DEED TO EDWARD C. SABATINO, JR. AT DEED BOOK 15422, PAGE 601, DEKALB COUNTY, GEORGIA RECORDS.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

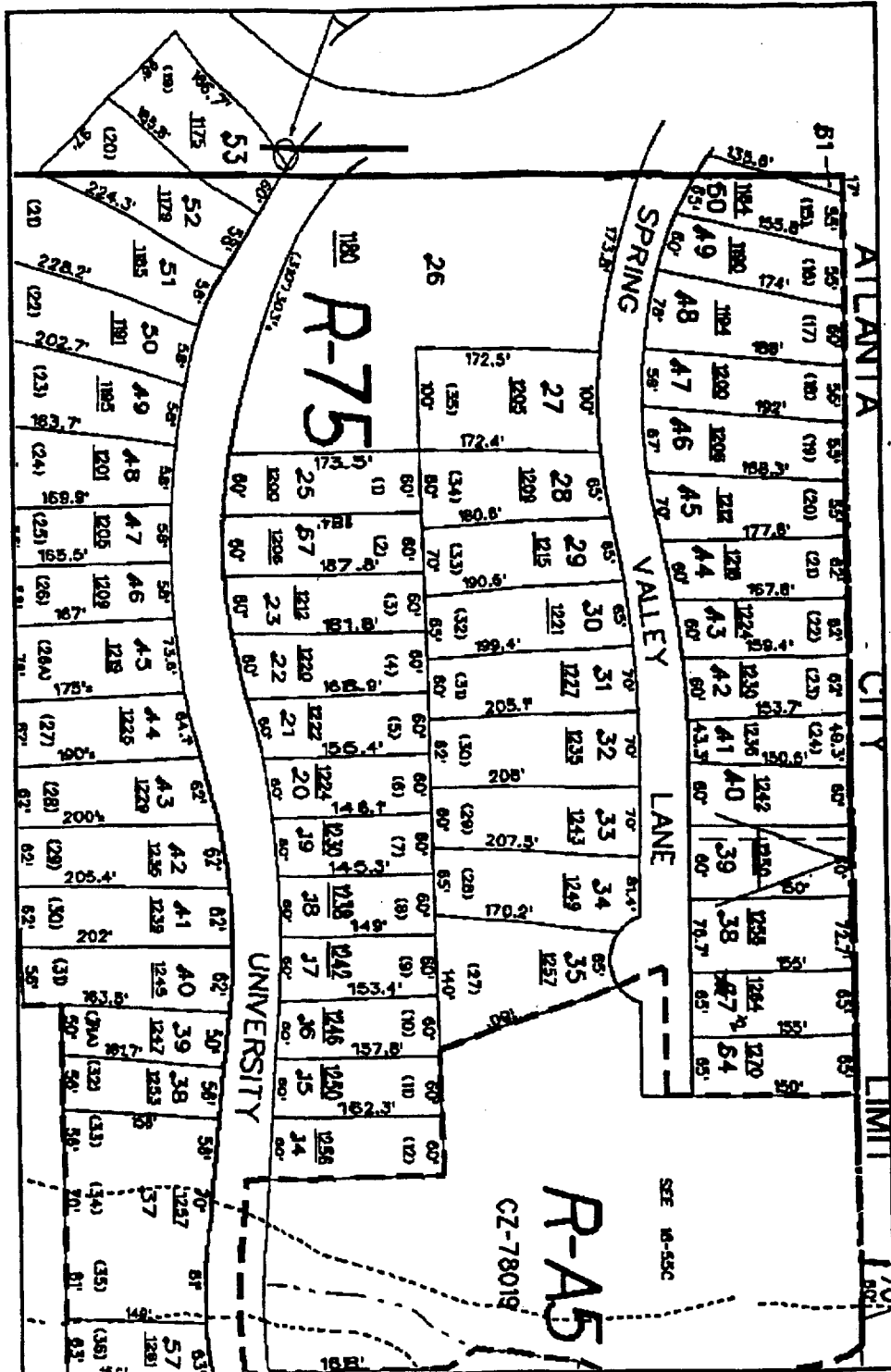
Witness

Notary Public

My commission expires:

*Edward C. Sabatino, Jr.*  
 EDWARD C. SABATINO, JR.

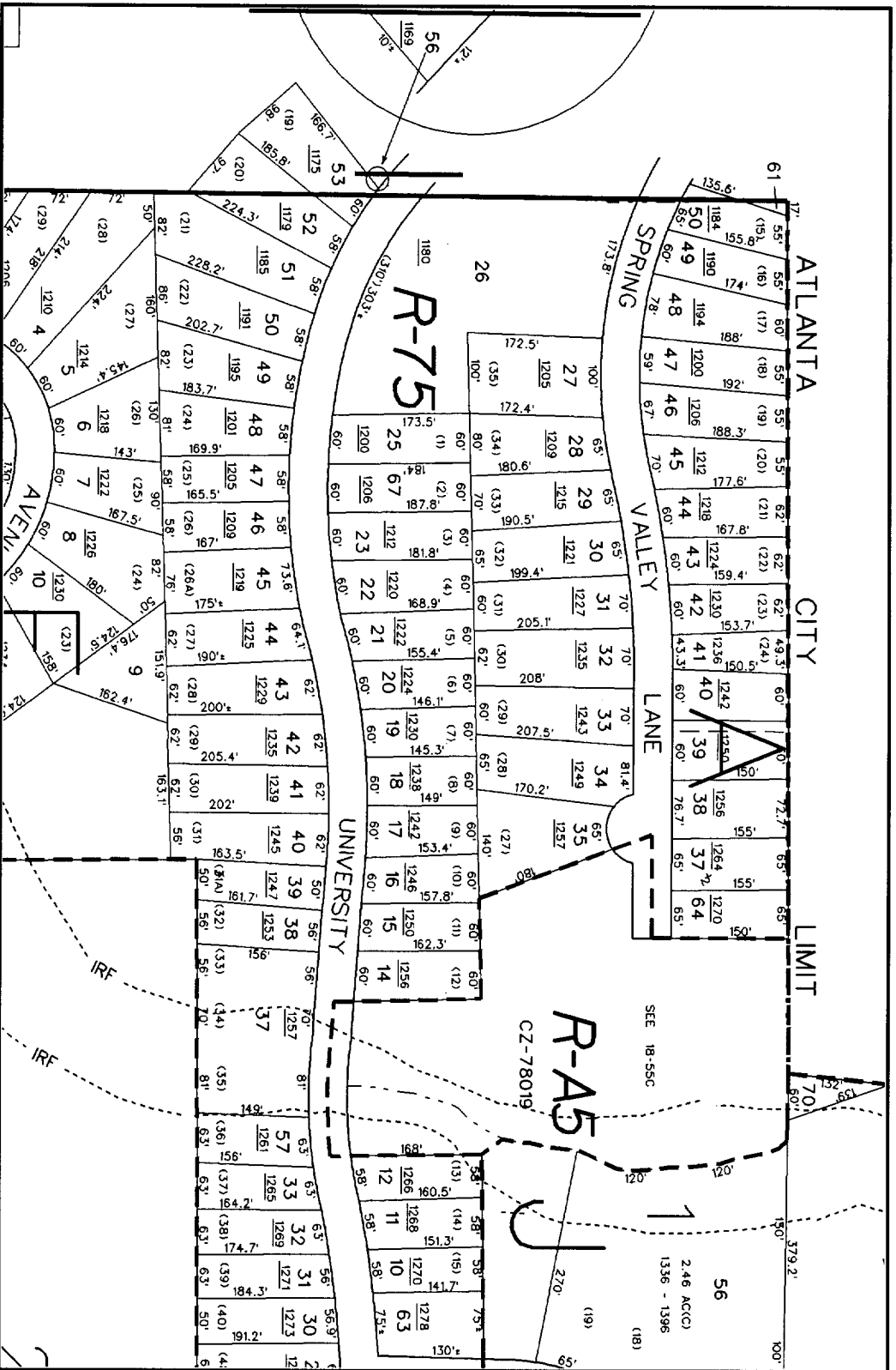
# EXHIBIT C



Map Labeled With Parcel Centroid

County: DEKALB Map: 18 055.NT4 Date Printed: 05/31/2005

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County: DEKALB Map: 18\_055.NT4 Date printed: 03/27/2006

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**CITY OF ATLANTA**  
**OFFICE OF MUNICIPAL CLERK**

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30303  
(404) 330-6033  
FAX (404) 658-6103

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

March 29, 2006

The Honorable Vernon Jones  
Chief Executive Officer of DeKalb County Board of Commissioners  
Manuel J. Maloff Center  
1300 Commerce Dr., 6<sup>th</sup> Floor  
Decatur, GA. 30030

Re: Annexation application

Dear Mr. Jones:

Please be advised that the City of Atlanta, by the authority vested in it by Article 2 of Chapter 36, Title 36 of the Official Code of Georgia Annotated, has received an application to annex 1190 Spring Valley Way, Atlanta, Georgia 30306, 22 acres of land, more or less, located in Land Lot 55 of the 18<sup>th</sup> District of DeKalb County. Be further advised that this notice is being sent within five (5) business days of receipt of the application, via certified mail, return receipt requested as required by O.C.G.A. § 36-36-6 and O.C.G.A. § 36-36-9.

Enclosed are a legal description of the property and a survey showing its location, attached as Exhibits "A" and "B". The subject property is currently zoned "single family residential" and the applicant has not requested a change in its zoning classification upon annexation. The proposed land use category upon annexation will be "single family residential" also. A copy of the City of Atlanta's land use map with the proposed annexation depicted thereon is also attached as Exhibit C.

Pursuant to O.C.G.A. § 36-36-7 and O.C.G.A. § 36-36-9, the DeKalb County governing authority is required to notify the governing authority of the City of Atlanta, in writing and by certified mail, of any county facilities or property located within the property to be annexed within five (5) business days of receipt of this correspondence.

Thank you for your prompt attention to this matter.

Respectfully,

Rhonda Dauphin Johnson  
City of Atlanta Municipal Clerk

Enclosures

7002 0050 2000 8011 0483

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| Restricted Delivery Fee<br>(Endorsement Required) |    |
| Total Postage & Fees                              | \$ |

234567891011121314151617181920

Postmark  
Here  
9003  
MINUTEMAN

Sent To  
CEO Vernon Jones DeKalb Bd of Comm  
Street, Apt. No.,  
or PO Box No. 1300 Commerce Dr 6th Floor  
City, State, ZIP+4  
Decatur GA 30030

PS Form 3800, June 2002

See Reverse for Instructions



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First Class Mail  
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• Sender: Please print your name, address, and ZIP+4 in this box •

Rhonda Dauphin Johnson  
Municipal Clerk  
Office of The Municipal Clerk  
55 Trinity Ave SW  
Suite 2700  
Atlanta GA 30303

03 0039



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Vernon Jones  
Chief Executive Officer of  
DeKalb County  
Board of Commissioners  
Manuel J. Maloff Center  
1300 Commerce Dr 6th Floor  
Decatur GA 30030

2. Article Number

(Transfer from service label)

PS Form 3811, August 2001

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Walter C. Schaefer*☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

APR 3 2006

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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Domestic Return Receipt

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